

Idaho Heating, Ventilation and Air Conditioning Board Meeting

Thursday - May 29, 2003
Division of Building Safety – Meridian, Idaho

- CALL TO ORDER** Dave Munroe, Administrator, Division of Building Safety called the meeting to order at 9:35 am on Thursday, May 29, 2003 at the Division of Building Safety, Meridian, Idaho.
- PRESENT** Board members present included Jim Bledsoe, Steve Brown, Russ Firkins, Steve Keys, Pat Minegar, Tom Scholtens, and Mike Wisdom. Present from the Division of Building Safety were Dave Munroe, Administrator; Kay Manweiler, Deputy Attorney General; Marsi Woody, Financial Officer; Shauna Wallace, Administrative Assistant and recording secretary. Also present were Dwight Perkins, IAPMO; Kevin Grover, Contractor; Les Tibbals, Inspector; David Curtis, Board of Professional Engineers and Land Surveyors; Michael Smith, Atlas Mechanical & Industrial; Brent Moore, Sheet metal Workers #60; Bob Corbell, HVAC; Ray Coon, San-Ray Plumbing; Bob Rawlings, Plumbing Bureau, Division of Building Safety; Gary Malmen, Electrical Bureau, Division of Building Safety; Arlan Smith, Building Board, Division of Building Safety; Lisa Stover, Building Bureau, Division of Building Safety; Jack Rayne, Building Bureau, Division of Building Safety; Maria Barratt, Division of Financial Management.
- ELECTIONS** Mr. Munroe asked everyone in the room to introduce themselves. Elections for the Chairman of the Idaho Heating, Ventilation and Air Conditioning Board (Board) and Vice Chairman of the Board were held. Jim Bledsoe moved that Russ Firkins be nominated for the position of Chairman of the Board. Seconded. Mr. Firkins declined the nomination suggesting the chairman be a representative from the HVAC industry. No vote. Mr. Firkins moved that Pat Minegar be nominated for the position of Chairman of the Board. Seconded. Passed. Mr. Minegar moved that Mr. Firkins be nominated for the position of Vice Chairman of the Board. Seconded. Passed.
- FINANCIAL REPORT** Marsi Woody gave a brief financial report referring to HB 439 [should have been SB 1199 – SLW 6/2/03]. Ms. Woody outlined the appropriation of \$272,300 for FY04 and how the money is to be spent between personnel costs (\$102,200), operating expenditures (\$147,500), and capital outlay (\$22,600). SB 1199 (see attached) authorizes the cash transfer of \$272,300 from the Plumbing Bureau Fund. The cash transfer will be paid back to the Plumbing Bureau Fund from the HVAC Fund as HVAC licensing and inspection revenues accumulate.
- LEGISLATION AND ADMINISTRATIVE RULES** Kay Manweiler outlined for the Board the differences between legislation and administrative rules (rules), including the authority each provides to the Board. Legislation provides duties and powers. SB 1133aa gives the Board the authority to promulgate rules, which can be used to set fees and clarify Idaho Code. Ms. Manweiler also explained the Board may wish to only promulgate temporary rules this year, which would buy them time to work out permanent rules to be proposed next year. Ms. Manweiler is happy to assist in any way she can when the Board begins drafting rules. Shauna Wallace assists in filling out forms, drafting notices, submitting necessary materials for publication and helping in any way she can with the rules promulgation process.

INFORMAL DISCUSSION

Chairman Minegar expressed appreciation for Board members' involvement and looks forward to working with the Board. Chairman Minegar asked Vice Chairman Firkins his thoughts on where to begin. Vice Chairman Firkins provided the Board with a handout outlining his thoughts (see attachment).

Chairman Minegar called for a five-minute break to allow the Board to review SB 1133aa; specifically for licensing information.

Upon reconvening Jack Rayne handed out a survey of Idaho's cities and counties that had adopted the mechanical code. Mr. Rayne also informed the Board that a survey was recently sent out to Idaho's cities and counties requesting any listings they have of certified mechanical inspectors. Mr. Rayne expects the results to be available by the end of June. Per Tom Scholtens' request, Mr. Rayne will utilize population information in the survey results. Dwight Perkins volunteered to provide the Board with his organization's certified list.

Dave Curtis pointed out areas in SB 1133aa where the word "design" was used. The Board of Professional Engineers and Land Surveyors asked Mr. Curtis to express their concern over the legislation possibly giving the HVAC Board authority to regulate design. Mr. Curtis respectfully requested the HVAC Board to consider striking the word from the bill. Ms. Manweiler agreed the word "design" could be an issue. After some discussion, Chairman Minegar asked Bob Corbell about the wording of the bill. Mr. Corbell told the HVAC Board the wording was taken from the Plumbing and Electrical Bureaus' Idaho Code language and the intent was not for the HVAC Board to regulate HVAC design.

Vice Chairman Firkins wanted clarification of Section 54-5016; areas of city impact – there are some situations where a county permit may affect a city area of impact. Mr. Scholtens clarified that if the county doesn't enforce code, this section of the bill gives the city the right to enforce – for annexation. Interest was expressed in cleaning up the language.

Ms. Manweiler suggested the Board consider asking the Legislature to give the Board disciplinary authority. Both the Plumbing and the Electrical Boards have some disciplinary authority. Mike Wisdom requested copies of civil penalties laws and administrative rules for the Board to review. Ms. Manweiler said she would provide that information.

Chairman Minegar asked guests what issues they felt needed to be addressed by the Board. Kevin Grover asked the Board how weekend repairs, after permitting hours, would be handled. Ms. Manweiler pointed out that Section 54-5016 exempts repairs or maintenance on an existing system from permitting. Mr. Grover further explained his concern that he may have to condemn a current system thereby requiring the installation of a new system on a weekend. Ray Coon felt that situation to be a non-issue as the system would have to be inspected after installation and no one has ever been penalized for an emergency installation.

Mr. Perkins offered to provide the Board with copies of the 2003 UMC and NFPA 54 and 58. Chairman Minegar accepted the offer. Mr. Perkins will have the books sent to Ms. Wallace.

Ms. Manweiler informed the Board that due to a Building Board question regarding who had authority and which codes applied, the Office of the Attorney General is conducting an advisory review. The HVAC Board may want to think about having their legislation changed to say, "This code is adopted..." when the Board decides which code they will adopt. Some discussion was held regarding the Building Board's code adoption legislation and its intent.

Mike Smith asked if the Board was interested in hearing from HVAC contractors during the administrative rulemaking process. Chairman Minegar and Mr. Corbell have traveled to hear concerns. Ms. Manweiler said communication was good, but to avoid correspondence between individuals to avoid violating open records laws.

Ms. Manweiler suggested any information the Board wishes to disseminate be put on the web [Division of Building Safety's page – SLW 6/2/03]. Chairman Minegar concurred.

There was additional discussion regarding administrative rules promulgated by the Board. Ms. Manweiler reiterated that the Board might want to begin by promulgating temporary rules and following up with temporary and proposed rules next year. Maria Barratt agreed with Ms. Manweiler with a reminder that the temporary rules should not have any fees.

BOARD MEETING CALENDAR

After some discussion, Chairman Minegar finalized the next two Board meetings are to be held Thursday, June 5, 2003 and Thursday, June 12, 2003 from 9:00 am to 12:00 pm each day at the Division of Building Safety in Meridian, Idaho.

Chairman Minegar ordered a fifteen-minute break.

After the break, Chairman Minegar asked Board members to please ensure the proper contact information for each of them was provided to the staff of the Division of Building Safety.

With Chairman Minegar's approval, Mr. Rayne distributed to the Board the 2003 Voluntary Certification Program, Quality Examination and Certification Service catalog published by the International Code Council. Mr. Rayne directed the Board to pgs. 14-16: residential mechanical inspector exam, commercial mechanical inspector exam, and the mechanical plans examiner exam. Mr. Rayne pointed out that pg. 25 breaks out how the exams are based. Mr. Scholtens informed the Board that the International Code Council has contractor exam services. He suggested the Board contact them regarding mechanical installers. This may be a way to move forward with developing a way to certify contractors.

DISCUSSION ON JUNE 5, 2003 MTG. AGENDA

Chairman Minegar asked Board members what they wanted to see on the next agenda. Mr. Munroe reminded the Board that licensing would be the first thing the public would need more information on as they are required to be licensed prior to July 1, 2004.

Vice Chairman Firkins expressed interest in discussing grandfathering and examinations at the next meeting. Also, because licensing fees are established in legislation, rules need to be written addressing continuing education and reciprocity. Mr. Corbell suggested defining apprentice and journeyman.

Mr. Bledsoe explained to Vice Chairman Firkins that a person could have a contractor license without having a journeyman license so long as that person is not doing the work. Mr. Firkins asked where in the legislation it states grandfathering prior to July 1, 2004. Mr. Corbell explained it's not in the legislation, but was an agreement in committee testimony that to be grandfathered in a contractor had to be advertised as such prior to July 1, 2004. Ms. Manweiler told the Board she would review the legislative history and distribute to the Board.

After some question as to reciprocity Ms. Manweiler expressed to the Board that she was uncertain as to whether or not the Board has authority to enter into reciprocity, but that's something that the Board may be able to address with administrative rules.

Chairman Minegar wanted to know if the Board thought continuing education should be part of licensing. Ms. Manweiler said that would require legislation. Brent Moore said there is no licensing in Washington, Wyoming or Montana and suggested journeymen be required to have a certain number of years experience.

Vice Chairman Firkins asked Mr. Rayne to hand out the explanation sheet for the survey he distributed earlier in the meeting. Asterisks indicate code has been adopted and blanks indicate either no code adoption or no response. Only validated information was included in the survey results.

Chairman Minegar concluded the agenda for the next meeting would include contractor licensing – process, education and fees, and grandfathering.

ADJOURNMENT

The meeting was adjourned at 11:40 am.

Respectfully submitted

Shauna Wallace

SENATE BILL NO. 1199

View Daily Data Tracking History

View Bill Text

View Statement of Purpose / Fiscal Impact

Text to be added within a bill has been marked with Bold and Underline. Text to be removed has been marked with Strikethrough and Italic. How these codes are actually displayed will vary based on the browser software you are using.

This sentence is marked with bold and underline to show added text.

~~*This sentence is marked with strikethrough and italic, indicating text to be removed.*~~

Daily Data Tracking History

S1199.....by FINANCE
 APPROPRIATIONS - BUILDING SAFETY - Appropriates an additional \$272,300 to the Division of Building Safety for fiscal year 2004; provides a transfer of funds to the Heating, Ventilation and Air Conditioning Board Fund; and authorizes an additional 3 full-time equivalent positions for fiscal year 2004.

04/30 Senate intro - 1st rdg - to printing

Rpt prt - to Fin

Rpt out - rec d/p - to 2nd rdg

Rls susp - PASSED - 31-2-2

AYES -- Andreason, Bailey, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill(Hill), Ingram, Kennedy, Keough, Little,Lodge, Malepeai, Marley, McKenzie, McWilliams, Noh, Pearce, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams

NAYS -- Brandt, Geddes

Absent and excused -- Burkett, Noble

Floor Sponsor - Burtenshaw

Title apvd - to House

05/01 House intro - 1st rdg - to 2nd rdg

Rls susp - PASSED - 57-9-4

AYES -- Andersen(Guyon), Barraclough(Schanz), Bedke, Bieter, Black, Block, Boe, Bolz, Bradford, Campbell, Cannon, Clark, Collins, Cuddy, Deal, Denney, Douglas, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Gagner, Garrett, Henbest, Jaquet, Kellogg, Lake, Langford, Langhorst, Martinez(Echohawk), Meyer, Miller, Mitchell, Moyle, Naccarato, Nielsen, Raybould, Ridinger, Ring, Ringo, Roberts, Robison, Rydalen, Saylor, Shepherd(Buell), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Tilman, Trail, Wills, Wood, Mr. Speaker

NAYS -- Bauer, Crow, Eberle, Harwood, Kulczyk, McGeachin, McKague, Sali, Schaefer

Absent and excused -- Barrett, Bell, Jones, Smith(24)

Floor Sponsor - Gagner

Title apvd - to Senate

05/02 To enrol - Rpt enrol - Pres signed - Sp signed

05/03 To Governor

05/05 Governor signed

Session Law Chapter 342

Effective: 07/01/03

Bill Text

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Fifty-seventh Legislature

LEGISLATURE OF THE STATE OF IDAHO

First Regular Session - 2003

IN THE SENATE

SENATE BILL NO. 1199

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING ADDITIONAL MONEYS TO THE DIVISION OF BUILDING SAFETY IN THE DEPARTMENT OF SELF-GOVERNING AGENCIES FOR FISCAL YEAR 2004; PROVIDING THAT THE STATE CONTROLLER SHALL MAKE A TRANSFER FROM THE PLUMBING BOARD FUND FOR FISCAL YEAR 2004; AUTHORIZING THREE ADDITIONAL FULL-TIME EQUIVALENT POSITIONS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. In addition to the appropriation made in Section 1, Senate Bill No. 1161, as enacted by the First Regular Session of the Fifty-seventh Idaho Legislature, there is hereby appropriated to the Division of Building Safety in the Department of Self-Governing Agencies the following amounts, to be expended for the designated program according to the designated expense classes from the listed fund for the period July 1, 2003, through June 30, 2004:

	FOR PERSONNEL COSTS	FOR OPERATING EXPENDITURES	FOR CAPITAL OUTLAY	TOTAL
I. BUILDING SAFETY:				
FROM:				
Heating,				
Ventilation and				
Air Conditioning				
Board Fund	\$102,200	\$147,500	\$22,600	\$272,300

SECTION 2. The State Controller is hereby directed to transfer on July 1, 2003, or as soon thereafter as is practicable, \$272,300 from the Plumbing Board Fund to the Heating, Ventilation and Air Conditioning Board Fund.

SECTION 3. In addition to the full-time equivalent positions authorized in Section 2, Senate Bill No. 1161, as enacted by the First Regular Session of the Fifty-seventh Idaho Legislature, there is hereby authorized an additional three (3) full-time equivalent positions at any point during the period July 1, 2003, through June 30, 2004, for the program specified in Section 1 of this act, unless specifically authorized by the Governor. The Joint Finance-Appropriations Committee will be notified promptly of any increased positions so authorized.

SECTION 4. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after July 1, 2003.

Statement of Purpose / Fiscal Impact

Statement of Purpose RS13342

This is a trailer FY 2004 Appropriation for the Division of Building Safety in the amount of \$272,300 in dedicated fund

spending authority for the new HVAC program. This bill also provides for 3.0 FTEs. The passage of SB 1133a requires the licensing and regulation of installers of heating, ventilation and air conditioning systems (HVAC). However, there was no spending authority for the new HVAC program in the Division of Building Safety's original FY 2004 appropriation (SB1161). This bill provides spending authority for the first year of the new program.

Fiscal Note

This bill authorizes dedicated fund spending authority of \$272,300. The bill also authorizes a cash transfer from the Plumbing Bureau Fund to the new HVAC Fund. This cash transfer will be paid back to the Plumbing Fund from the HVAC Fund as HVAC licensing and inspection revenues accumulate.

Contact: Eric Milstead 334-4746
Legislative Services Office, Budget & Policy Analysis
Statement of Purpose/Fiscal Note

Bill No. S1199

HVAC Board Meeting

Thursday May 29, 2003; 9:30 am - noon

Introductions

Elect Chairman as per 54-5004(4)

Schedule future meetings

Define Priorities

Licensing Process

- Special grandfathering provisions

- Examination

- Continuing education

- Reciprocal agreements

Permits and Inspections

- Identify counties and cities having HVAC licensing and inspection programs in place

 - Review their ordinances, fees, code, code modifications, contact personnel, ...

 - Also review building permit requirements for counties and cities

- Fees

- Permits

 - Applications

 - Receipts

 - Tags

Inspectors

- Qualifications

- Testing

- Training

- Office support staff

- Vehicle, computer, cell phone, ...

Code

- Get 2003 UMC (with related NFPA documents), 2003 IMC and IFGC, 2003 and 2000

- International Energy Conservation Code (review sections 39-4109 and 39-4116 Idaho Code)

Apprenticeship Training

- Research current programs

- Organized Labor

- Trade associations

- Vo-tech schools

- State programs

Civil Penalties